

SUBCHAPTER H—CLOSURES AND REALIGNMENT

PART 174—REVITALIZING BASE CLOSURE COMMUNITIES

Sec.

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AUTHORITY: 10 U.S.C. 2687 note.

SOURCE: 60 FR 37341, July 20, 1995, unless otherwise noted. Redesignated at 61 FR 54097, Oct. 17, 1996.

§ 174.1 Purpose.

This part:

(a) Establishes policy and assigns responsibilities under the President's Five-Part Plan, "A Program to Revitalize Base Closure Communities," July 2, 1993,¹ to speed the economic recovery of communities where military bases are slated to close.

(b) Implements 107 Stat. 1909, National Defense Authorization Act for Fiscal Year 1994, Title XXIX and The Base Closure Community Redevelopment and Homeless Assistance Act of 1994 (Pub. L. 103-421).

(c) Authorizes the publication of DoD 4165.66-M, "Base Reuse Implementation Manual," in accordance with DoD 5025.1-M, "DoD Directive System Procedures," August 1994.

§ 174.2 Applicability.

This part applies to the Office of the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of Staff, the Unified Combatant Commands, the Defense Agencies, and the DoD Field Activities (hereafter referred to collectively as "the DoD Components").

§ 174.3 Definitions.

(a) *Closure*. All missions of the installation have ceased or have been relocated. All personnel positions (military, civilian and contractor) have either been eliminated or relocated, ex-

cept for personnel required for caretaking, conducting any ongoing environmental cleanup, and disposal of the base, or personnel remaining in authorized enclaves.

(b) *Relignment*. Any action that both reduces and relocates functions and DoD civilian personnel positions, but does not include a reduction in force resulting from workload adjustments, reduced personnel or funding levels, skill imbalances, or other similar cause. A realignment may terminate the DoD requirement for the land and facilities on part of an installation. That part of the installation shall be treated as "closed" for purposes of this part.

§ 174.4 Policy.

It is DoD policy to:

(a) Help communities impacted by base closures and realignments achieve rapid economic recovery through effective reuse of the assets of closing and realigning bases—more quickly, more effectively and in ways based on local market conditions and locally developed reuse plans. This will be accomplished by quickly insuring that communities and the Military Departments communicate effectively and work together to accomplish mutual goals of quick property disposal and rapid job generation.

(b) This part does not create any rights or remedies and may not be relied upon by any person, organization, or other entity to allege a denial of any rights or remedies other than those provided by Title XXIX of Pub. L. 103-160, or Pub. L. 103-421.

§ 174.5 Responsibilities.

(a) The Under Secretary of Defense for Acquisition and Technology shall issue DoD Instructions as necessary, to further implement applicable public laws effecting base closure implementation, and shall monitor compliance with this part. All authorities of the Secretary of Defense in Public Law 103-421 (108 Stat. 4326 *et. seq.*); Public Law 103-160, Title XXIX (107 Stat. 1909 *et. seq.*); Public Law 101-510, Section 2905 (104 Stat. 1813 *et. seq.*); and Public Law

¹ Available from the Office of the Assistant Secretary of Defense, The Pentagon, Room 1D760, Washington, DC 20301-3300; email: base_reuse@acq.osd.mil